

## Remarks/Arguments

### 35 U.S.C. § 112

The Office rejected claims 3,4,6,7, 11, 13 and 14 for failing to comply with the enablement requirement. In response, applicant has cancelled the enumerated claims.

### 35 U.S.C. § 112

The Office rejected claims 3, 4, 6, 7, 11, 13, 14 and 19-26 for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. All of the enumerated claims except 19-26 have been cancelled. The remaining claims are discussed below.

With regard to claim 19 and its dependents, the Examiner states that it “is not clearly understood as to how the ‘first container’ blocks the ‘second container’.” Although the Applicant respectfully disagrees, claim 19 has been amended to more particularly point out that a front container blocks a rear container because the rack has multiple bottles in each cell. Support for the claim amendments is found in paragraphs 19 and 20 of the specification and Fig. 3, among other places.

### 35 U.S.C. § 102

Claims 1-5 were rejected as being anticipated by Tolsma (U.S. Patent No. 2,924,484). This rejection is mooted by the cancellation of claim 1-5.

Claims 11 and 13 were rejected as being anticipated by Vo et al. (U.S. Patent No. 5,366,340). This rejection is mooted by the cancellation of claim 11 and 13.

Claims 11 and 13 were also rejected as being anticipated by Graffin (U.S. Patent No. 6,073,667). This rejection is likewise mooted by the cancellation of claim 11 and 13.

Claims 19-29 were rejected as being anticipated by Grams et al. (U.S. Patent No. 6,371,717) (Grams). The rejection of claim 27-29 is mooted by the cancellation of these claims. The applicant respectfully disagrees with the rejection of claim 19-26 for the reasons stated below.

“Anticipation under 35 USC § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention...” *Rockwell International Corp. v. United States*, 147 F.3d 1358, 1363, 47 USPQ2d 1027, 1031 (Fed. Cir. 1998), (emphasis added).

Independent claim 19 recites an “extending arm that extends through the front space into the rear space.” Grams fails to disclose this limitation. While Grams may teach a device for

gripping cylindrical objects, Grams lacks disclosure of an arm that extends into a rear cell. In fact, Fig. 1 in Grams clearly shows a "pushing device" (numeral 54) that pushes bottles forward into the front space so that the device can grip the bottles. If the device in Grams could extend into a rear space, there would be no need for a 'pushing device'.

Based on the failure of Grams to disclose an arm that extends into a rear space, claims 19-26 are submitted to be novel over Grams.

**35 U.S.C. § 103**

Claim 10 was rejected as being obvious over Tolsma in view of Vo. This rejection is mooted by the cancellation of claim 10.

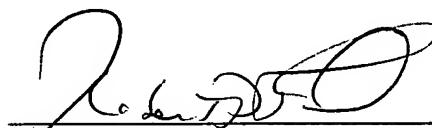
Claim 14 was rejected as being obvious over Graffin in view of Land, III (U.S. Patent No. 5,284,375). This rejection is mooted by the cancellation of claim 10.

**Conclusion**

None of the cited references prevent patentability of claim 19-26. The applicant, therefore, requests allowance of all pending claims.

Respectfully submitted,

Rutan & Tucker, LLP



Robert D. Fish  
Reg. No. 33,880

Dated: October 29, 2004

Attorneys for Applicant(s)  
Post Office Box 1950  
Costa Mesa, CA 92628-1950  
Tel: (714) 641-5100  
Fax: (714) 546-9035

### **Amendments to the Drawings**

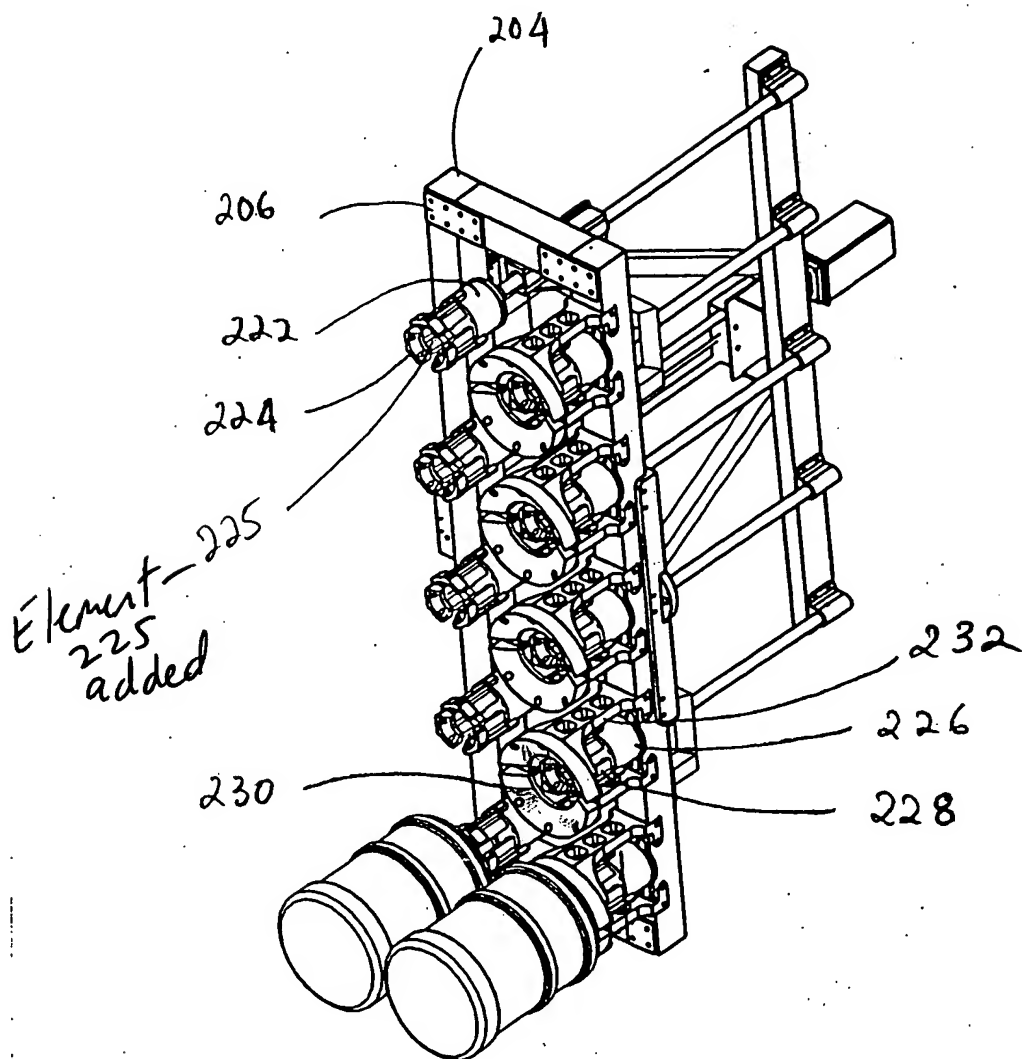
The drawings were objected to pursuant to 37 CFR 1.83 (a) for not showing the following claimed elements: the “pressure sensor”; the “interface”; and a “motorized base”.

Fig. 2c has been amended to show the pressure sensor (225). The specification has previously been amended to recite the correct reference number for the pressure sensor.

Fig. 3 has been amended to show the interface (311) and the motorized base (313). Replacement sheets for Figs. 2c and 3 are attached herewith.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes



FRONT ISOMETRIC VIEW

FIG. 2C

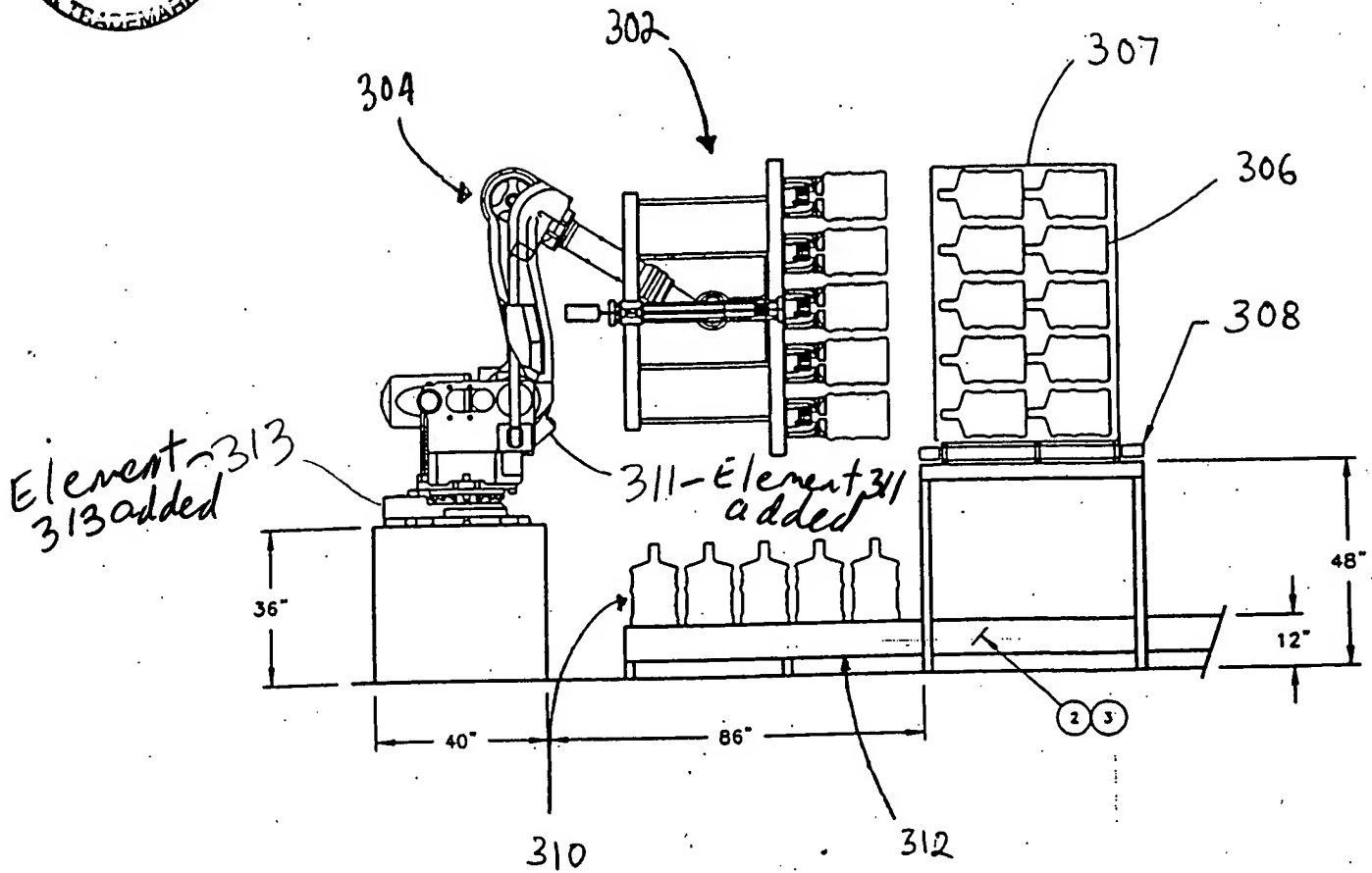


FIG. 3